

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GARY DEWAYNE BEARDEN,

Plaintiff,

v.

DIRECTOR SCARMMENZINO, et al.,

Defendants

No. C 06-1419 MMC (PR)

ORDER OF DISMISSAL


Plaintiff, a California prisoner proceeding pro se, file the above-titled civil rights action on February 24, 2006. That same date, the Court notified plaintiff in writing that the action was deficient due to his failure to pay the requisite filing fee or, instead, submit a completed court-approved in forma pauperis ("IFP") application. In said notice, plaintiff was advised that his failure to pay the filing fee or, alternatively, to file a completed IFP application, including a trust account statement showing transactions for the preceding six months and a certificate of funds form signed by an institution official, within thirty days, would result in dismissal of the action. Along with said notice, plaintiff was sent a copy of the Court's IFP application, instructions for completing it, and a return envelope. Plaintiff has not responded to the notice.

As more than thirty days have passed since the deficiency notice and plaintiff has not completed the IFP application or paid the filing fee, the above-titled action is hereby DISMISSED without prejudice. No fee is due.

The Clerk shall close the file.

IT IS SO ORDERED.

DATED: June 1, 2006


MAXINE M. CHESNEY
United States District Judge